

REMARKS

The Office Action of May 31, 2006 has been reviewed in detail and this paper is responsive thereto. Claims 12-28 are pending. Claims 12-19 and 22-26 stand rejected. Claims 20-21 and 27-28 are objected to. No new matter has been introduced into the application. As explained in more detail below, Applicants respectfully submit that all remaining pending claims are in condition for allowance.

Allowable Subject Matter

Claims 20-21 and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants would like to thank the Examiner for indicating the allowable subject matter of claims 20-21 and 27-28. Applicants believe that in addition to the features discussed in each of claims 20-21 and 27-28 these claims are also allowable for at least the reasons discussed below with respect to the independent claims from which each of claims 20-21 and 27-28 ultimately depend.

Claim Rejections Under 35 USC §103

Claims 12-15, 18 and 24 are rejected under 35 USC §103(a) as being anticipated by Ohsuge, et al., U.S. Patent No. 6,768,729 ("Ohsuge") in view of Lee, U.S. Patent No. 6,055,119 ("Lee").

Claims 12, 18, and 24 are independent claims. In the current response, each of these independent claims has been amended to further clarify Applicants invention.

Independent claim 12 recites the claimed feature of "starting data extraction from the bit stream when the correlation value exceeds a threshold value indicating that a data packet has been detected" (Emphasis Added). The Examiner points to Ohsuge at Column 4, lines 22-28 with respect to this claimed feature. Applicants respectfully submit that Ohsuge does not disclose, teach or suggest the claimed feature "starting data extraction from the bit stream when the correlation value exceeds a threshold value indicating that a data packet has been detected" (Emphasis Added).

Column 4 lines 22-27 of Ohsuge states:

The valid data determination section 13 determines the valid data of a delay profile on the basis of the valid data determination threshold calculated by the valid data determination threshold calculation section 12, and selects only valid correlation data.

Accordingly, Ohsuge teaches that the delay profile is evaluated, which is apparent from Column 4, lines 39-42 of Ohsuge which states:

The delay profile measurement section 2 measures the delay time distribution (delay profile) of the correlation power values of despreading codes and reception data within a predetermined range.

This delay time distribution (delay profile) is further processed in that:

The valid data determination section 13 writes the correlation values and phases of delay profile data equal to or larger than the valid data determination threshold in the valid correlation data table storage section 15. The correlation peak position detection section 17 detects a predetermined number of correlation peaks (multipath positions) from the valid correlation data section 15, and writes the detected peaks in the detected path table storage section 16.

See; Ohsuge, Col. 5, lines 16-23.

These multipath positions are required to configure the Rake receiver in that:

The Rake path allocation section 18 allocates paths to the Rake reception section 7 on the basis of the path data stored in the detected path table storage section 16.

See; Ohsuge, Col. 5, lines 24-27.

Hence, the feature of "starting data extraction from the bit stream" is neither disclosed nor suggested by Ohsuge. Moreover, Ohsuge, and in particular the citations referred to by the Examiner, is indeed silent about the data extraction from the received bit stream, which is one of Applicants claimed features. Lee does not make-up for the deficiencies of Ohsuge as Lee also fails to disclose the claimed feature of "starting data extraction from the bit stream when the correlation value exceeds a threshold value indicating that a data packet has been detected" (Emphasis Added). Therefore, for at least these reasons Applicants respectfully submit that independent claim 12 is condition for allowance. Dependent claims 13-17 and 22 which

ultimately depend from independent claim 12 are condition for allowance for at least the same reasons as independent claim 12.

Currently amended independent claim 12 recites the claimed feature of "restarting data extraction from the bit stream when the new correlation value exceeds the stored maximum correlation value." (Emphasis added), and currently amended independent claims 18 and 24 both recite the claimed feature of "restarting data extraction from the bit stream when the correlation value exceeds a threshold value or a stored maximum correlation value" (Emphasis Added). Applicants respectfully submit that none of cited documents disclose or suggest such a conditional restart of the data extraction from the bit stream as defined in independent claims 12, 18 and 24.

The Examiner maintains that the feature is allegedly disclosed in Fig. 5 of Ohsuge and the disclosure in col. 6, line 60 to col. 7, line 33. However, the reference given by the Examiner has to be read in its context, which describes a finding of a maximum value of data loaded from the valid correlation data table storage section 15 by repeatedly advancing a read address to the next data position specifying the data position from which the data is loaded. In particular, Ohsuge at Column 7, lines 1 to 7 states:

First of all, the correlation peak position detection section 17 loads the initial maximum value (e.g., sets the value of the first data) and sets a retrieval start address (step S31 in FIG. 5). The correlation peak position detection section 17 then loads data from the valid correlation data table storage section 15 and advances the read address to the next data position (step 32 in Fig. 5).

The loaded data is compared to a (temporary) maximum value and the (temporary) maximum value is replaced with the loaded data if the loaded data was found to be larger than the (temporary) maximum value:

The correlation peak position detection section 17 compares the data loaded from the valid correlation data table storage section 15 with the maximum value data (step S33 in Fig. 5). If the data is larger than the maximum value data(step S34 in Fig. 5), the correlation peak position detection section 17 replaces the maximum value and stores the maximum value position in the detected path table storage section 16 (step S35 in Fig. 5).

See; Ohsuge Col. 7, lines 8-15.

This algorithm of Ohsuge describes a search for a maximum within a table of data (values), which are successively compared to a previously determined local maximum value. However, the teaching thereof lacks "restarting data extraction from the bit stream" in consequence of finding a local maximum value. The table of data (values) to be evaluated is merely scanned through. A reassessment of the table of data (values) is neither disclosed nor suggested by Ohsuge. The same applies to Lee, which is also silent about "restarting data extraction from the bit stream."

Therefore, for at least these reasons Applicants respectfully submit that independent claims 12, 18 and 24 are in condition for allowance. Dependent claims 13-17, 19-23, and 25-28 which ultimately depend from one of independent claims 12, 18 and 24 are in condition for allowance for at least the same reasons as the independent claim from which they depend.

Claims 16-17, 19 and 26 are rejected under 35 USC §103(a) as being unpatentable over Ohsuge in view of Lee and further in view of Gurney, et al., U.S. Patent No. 5,619,542 ("Gurney"). Dependent claims 16-17, 19 and 26 are in condition for allowance for at least the same reasons as the independent claim from which they ultimately depend.

Claims 22, 23 and 25 are rejected under 35 USC §103(a) as being unpatentable over Ohsuge in view of Lee and further in view of Applicant Admitted Prior Art ("AAPA"). Dependent claims 22-23 and 26 are condition for allowance for at least the same reasons as the independent claim from which they ultimately depend.

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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